

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CYNTHIA ORTEGA,

Plaintiff,

v.

CV 15-688 WPL

CAROLYN W. COLVIN, *Acting
Commissioner of the Social Security
Administration,*

Defendant.

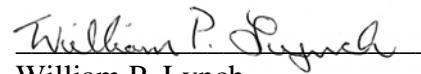
ORDER TO SHOW CAUSE

This matter is before me *sua sponte*. On May 5, 2016, Plaintiff Cynthia Ortega filed a Motion to Reverse or Remand for Rehearing, with Supporting Memorandum. (Doc. 18.) Upon review of the Motion, it appears that counsel for Ortega may have violated the rule requiring candor to the tribunal. *See* NMRA, Rule 16-303 (incorporated by D.N.M.LR-Civ. 83.9). Specifically, I am concerned that counsel failed “to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel” in reference to the argument that Social Security Ruling 83-20 limits the Administrative Law Judge’s role, in a case like this, to establishing a date for onset of disability. (*See* Doc. 18 at 11-16.) Counsel made an extremely similar argument, on similar facts, to Judge Vidmar in *Jaramillo v. Colvin*, 1:14-cv-00298-SMV. Judge Vidmar rejected the argument. *Jaramillo*, 1:14-cv-00298-SMV, ECF No. 25 at 7-10. Counsel failed to disclose that Judge Vidmar rejected this argument.

Accordingly, Plaintiff’s counsel, Michael D. Armstrong, is hereby ordered to show cause why this apparent failure should not lead to the imposition of sanctions under Rule 11 or other A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any *pro se* party as they are shown on the Court’s docket.

appropriate proceedings. Counsel shall appear in person on **November 8, 2016, at 8:30 a.m.** in the **Hondo Courtroom of the Pete V. Domenici United States Courthouse, 333 Lomas Blvd. N.W., Albuquerque, New Mexico.** Ortega need not attend, but Mr. Armstrong may appear with the representation of counsel if he so chooses. Defense counsel may appear telephonically at this hearing. Defense counsel shall call the "Meet Me" line at **505-348-2356** to be connected to the proceeding.

It is so ordered.



William P. Lynch
United States Magistrate Judge

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